

Draft Government Proposal to Parliament for an Act amending the Construction Act

MAIN CONTENT OF THE PROPOSAL

The Proposal proposes amendments to the Construction Act. The Construction Act would be amended to include the definition of a zero-emission building from the recast Energy Performance of Buildings Directive, and the provisions of the Construction Act concerning the essential technical requirements for energy efficiency and nearly zero-energy buildings would be amended to comply with the Directive. In addition, the proposal proposes that a penalty be laid down in the Construction Act for breaches of the EU Construction Products Regulation. The proposal also suggests amending the minimum share of energy from renewable sources in buildings in order to implement the RED III Directive.

The proposal also suggests adding to the Construction Act certain provisions that currently appear in the Land Use and Building Decree (895/1999) concerning responsibilities and procedural matters in construction. During the preparation of the new Building Decree, these provisions were identified as requiring elevation to the level of an Act.

The proposal also includes two amendments to the Construction Act. It is proposed to correct the wording of one sentence from the provision on building permit. It is proposed that the transitional provision concerning qualifications for design tasks be amended so that civil engineers, those with an engineering degree suitable for other tasks, and persons who have been able to work as designers on the basis of the transitional provision concerning qualification requirements in the Act amending the Land Use and Construction Act (41/2024) would also be eligible to perform exceptionally demanding design tasks.

The act is intended to come into force as soon as possible.

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EXPLANATORY NOTES

1 Background and preparatory work

1.1 Background

The Government proposal would contribute to the national implementation of the requirements of the following EU legislation:

- Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011.
- Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings (recast), hereinafter the *Directive on the energy performance of buildings*;
- Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of the use of energy from renewable sources and repealing Council Directive (EU) 2015/652, hereinafter *RED III Directive*.

According to Prime Minister Petteri Orpo's Government Programme, the energy consumption in construction will be reduced and the energy efficiency of buildings will be improved by cost-effective means. Efforts will be made to ensure that the provisions of the EU Energy Performance of Buildings Directive allow for the broadest possible national flexibility. In implementing the EU Energy Performance of Buildings Directive, residents and property owners should not be subjected to unreasonable obligations. If new obligations are introduced, it will be ensured that all households have the ability to meet the requirements arising from the regulation (page 126).

The revision of the Energy Performance of Buildings Directive is part of the EU's Fit for 55 package, which aims to reduce EU emissions by at least 55 percent by 2030 and to achieve climate neutrality by 2050. The role of buildings in achieving these goals is significant, as buildings account for 40 percent of total energy consumption and generate 36 percent of energy-related greenhouse gas emissions. The revised Energy Performance of Buildings Directive requires Member States to take a number of measures aimed at reducing greenhouse gas emissions and final energy consumption in buildings by 2030 and achieving climate neutrality in buildings by 2050. The key instruments of the revised Energy Performance of Buildings Directive are minimum energy performance requirements for buildings and the preparation of a national renovation plan. In addition, according to the directive, Member States must implement legislation relating to, for example, solar energy equipment, electric vehicle charging points and energy performance certificates for buildings.

The Construction Products Regulation entered into force on 7 January 2025. It shall apply for the first time on 8 January 2026. The update to the Construction Products Regulation removes legislative barriers to the circular economy in construction. The regulation harmonises EU legislation on the marketing of construction products, facilitates their free movement in the internal market, reduces the administrative burden and promotes the circular economy and

technological development in the construction sector. Member States shall lay down penalties for non-compliance with the Construction Products Regulation.

1.2 Preparatory work

On 15 December 2021, the European Commission adopted a proposal for a recast Directive of the European Parliament and of the Council on the energy performance of buildings, COM (2021) 802 final. The proposal complemented the European Commission's Fit for 55 package of 14 July 2021, through which the EU aims to reduce net greenhouse gas emissions by at least 55 percent by 2030. The proposal was accompanied by a Commission evaluation report on the recast of the Directive SWD (2021) 453 final. The Government submitted a memorandum to Parliament on the Commission's proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings (recast) (Government memorandum U 26/2022 vp).

In August 2024, the Ministry of the Environment established a monitoring group to support and monitor the national implementation of the Energy Performance of Buildings Directive (VN/14781/2024). The monitoring group discusses and comments on draft legislation under preparation and supports its preparation. The monitoring group will make suggestions on how to keep regulation, administrative burdens and bureaucracy to a minimum, despite the new and increased requirements in the Directive. It is also the task of the monitoring group to increase cooperation in the field of real estate and construction and to ensure information exchange and interaction with the persons involved in the preparation of official acts. The monitoring group is divided into three different preparatory groups, which are preparing in more detail the legislative amendments required by the Energy Performance of Buildings Directive. The draft provisions contained in this proposal were discussed by the preparatory group dealing with amendments to the Construction Act and by the monitoring group.

On 30 March 2022, the European Commission adopted a proposal for a Regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) No 305/2011 (COM(2022) 144 final). In September 2022, the Government submitted a U-letter to Parliament on the Construction Products Regulation (U 72/2022 vp).

In winter 2024, the Ministry of the Environment initiated preparations to amend the Construction Act (the proposal is often referred to as the Construction Act revision package). The government proposal was drawn up by the Ministry of the Environment. The Government Proposal was submitted for statements between 28 February 2025 and 25 April 2025.

The preparatory documents for the Government proposal are available in the public service at <https://valtioneuvosto.fi/hanke?tunnus=YM0:00/2025>. The project window also contains the statements issued on the draft proposal of the Board of Directors.

The Government Proposal has been reviewed by the Ministry of Justice's Legislative Inspection Unit.

2 Current situation and its assessment

2.1 Energy efficiency of buildings

2.1.1 General

Buildings consume around 40 % of all energy and Finland's climate sets requirements for energy consumption management. Improving the energy efficiency of buildings is an important part of Finland's climate goals. Energy efficiency requirements have been tightened over the decades, and today new buildings must be constructed as nearly zero-energy buildings. Due to the slow renewal of the building stock, old buildings account for the largest share of total energy consumption.

Energy efficiency also improves living comfort and reduces operating costs. Current new construction is very energy efficient and significant improvements cannot be economically feasible. The good energy performance of new construction affects the building stock only slowly, but it does improve the average energy efficiency of the building stock.

The older building stock has a larger share of buildings with low energy efficiency. A significant opportunity for improving the energy efficiency of the building stock lies in upgrading the energy performance of existing buildings and bringing their energy efficiency closer to the level of new construction.

2.1.2 Requirements of the Energy Performance of Buildings Directive that are central to the proposal

The revised Energy Performance of Buildings Directive entered into force on 28 May 2024, and it must be implemented in national legislation by 28 May 2026. The 2010 Energy Efficiency Directive and the amendments thereto have been implemented in Finland by several legislative acts, including the Act on the Energy Certificate of Buildings (50/2013), the Act on the Energy Certificate Information System of Buildings (147/2015), the Act on equipping buildings with electric vehicle charging points and charging point capabilities and automation and control systems (733/2020) and the Construction Act (751/2023). There are also national regulations on the Directive in a number of lower-level legislative acts.

The objective of the revised Directive has been broadened. The key objectives of the revised directive are to reduce greenhouse gas emissions and final energy consumption in buildings by 2030 and to set a long-term vision for buildings towards EU-wide climate neutrality by 2050. To achieve these goals, the proposal also has several specific objectives: to increase the amount and thoroughness of renovation work, to improve information on the energy efficiency and sustainability of buildings, and to ensure that all buildings comply with the climate neutrality requirements for 2050. In addition to improving the energy efficiency of buildings, the aim is now also to achieve a zero-emission building stock by 2050 at the latest. According to the directive, zero-emission buildings must be defined nationally for new construction and renovation. In addition, the directive sets new requirements for, for example, electric vehicle charging points, technical systems in buildings and energy performance certificates for buildings. Next, the new requirements laid down in the Energy Performance of Buildings Directive will be reviewed specifically from the perspective of the Construction Act and the decrees issued under it. Due to the Energy Performance of Buildings Directive, changes must also be made to other legislation, particularly legislation concerning energy performance certificates for buildings and charging points for electric cars. Government

proposals concerning these matters will be submitted to Parliament for consideration at a later date. In addition, the Directive requires each Member State to draw up a national building renovation plan to ensure the renovation of both public and private residential and non-residential buildings, with the aim of achieving a highly energy-efficient and decarbonised building stock by 2050, seeking to convert existing buildings into zero-emission buildings (article 3). Preparations for the national basic improvement plan are underway at the Ministry of the Environment (YM037:00/2024).

The Energy Performance of Buildings Directive sets requirements for the energy efficiency of new and renovated buildings. According to article 7 of the Directive, Member States must ensure that new buildings occupied or owned by public bodies are zero emission from the beginning of 2028 and for all new buildings from the beginning of 2030. Until these dates, buildings must be nearly zero-energy buildings, which are currently required by the Construction Act. Article 11 of the Directive defines a zero-emission building. A zero-emission building shall not cause any on-site carbon emissions from fossil fuels. Where economically and technically feasible, a zero-emission building shall be able to react to external signals and adapt its own energy use, production and storage. According to the same article 11, Member States shall take the necessary measures to ensure that the energy demand of a zero-emission building complies with the maximum threshold. Member States shall set this maximum threshold for the energy requirement of a zero-emission building in order to achieve at least cost-optimal levels. The maximum threshold of the energy requirement of a zero-emission building shall be at least 10 % lower than the threshold of total primary energy use set at Member State level for nearly zero-energy buildings on 28 May 2024.

The requirements of the Energy Performance of Buildings Directive also apply to existing buildings when they undergo major renovations. Existing buildings are covered by article 8 of the Directive, which requires Member States to take the necessary measures to ensure that, when buildings undergo major renovation, the energy performance of the building or the renovated part thereof is improved so as to meet the minimum energy performance requirements set in accordance with article 5 of the Directive, to the extent that this is technically, functionally and economically feasible.

According to article 10 of the Directive, Member States shall ensure that all new buildings are designed in such a way as to optimise their solar energy production potential according to the solar radiation at the site, thus enabling the subsequent installation of solar technologies in a cost-effective manner. In addition, the article sets out certain deadlines by which Member States must ensure the commissioning of solar installations. This Government Proposal would implement the requirements of the Directive for the design of new buildings for solar energy in a cost-optimal manner. Other provisions concerning the implementation of the requirements of the solar energy directive would be brought before Parliament in a different context.

The Directive also requires the calculation of the life-cycle global warming potential (GWP) of new buildings and its inclusion in the building's energy performance certificate. The global warming potential (GWP) over the entire life cycle of a building indicates the overall share of the building in emissions leading to climate change. It takes into account the greenhouse gas emissions included in construction products as well as direct and indirect emissions from the use phase. The requirement to calculate the life-cycle global warming potential (GWP) of new buildings is therefore the first step towards better taking into account the full life-cycle efficiency of buildings and the circular economy. The preparation of more detailed provisions on the calculation of GWP has begun, and proposals on this matter will be submitted to Parliament for consideration at a later date.

2.1.3 RED III Directive and minimum share of energy from renewable sources in buildings

The RED III Directive was adopted on 18 October 2023. The Directive was published in the Official Journal of the European Union on 31 October 2023 and entered into force on 20 November 2023. Member States must bring into force the laws, regulations and administrative provisions necessary to comply with the directive by no later than 21 May 2025.

According to article 15a(1) of the RED III Directive, ‘Promoting the use of renewable energy in buildings’, in order to promote the production and use of renewable energy in the construction sector, Member States must define an indicative national share of renewable energy produced in buildings or nearby, and of renewable energy drawn from the grid, in the final energy consumption of the construction sector by 2030. This share must be consistent with the indicative target for the construction sector, according to which the share of energy from renewable sources in the final energy consumption in buildings in the Union must be at least 49 per cent by 2030. Member States shall report their indicative national contribution in their integrated national energy and climate plans submitted in accordance with articles 3 and 14 of Regulation (EU) 2018/1999 and provide information on the means by which they intend to achieve it.

According to paragraph 2 of the same article, Member States may count waste heat and cold towards the indicative national share referred to in the first paragraph up to a maximum of 20 per cent. If they decide to do so, the indicative national share will increase by half of the percentage of waste heat and cold used. According to article 3, Member States shall implement appropriate measures in their national regulations and building codes, and, if necessary, in support schemes, to increase the share of electricity, heating, and cooling from renewable sources (produced in buildings or nearby, or drawn from the grid) in the building stock. Such measures may include national measures to significantly increase the use of self-generated renewable energy, renewable energy communities, local energy storage, smart charging and two-way charging, and other flexibility services, such as demand response, in combination with energy performance improvements related to cogeneration and major renovations that increase the number of nearly zero-energy buildings and buildings exceeding minimum energy performance requirements under article 4 of Directive 2010/31/EU.

According to the same paragraph, in order to achieve the indicative share of renewable energy sources set out in paragraph 1, Member States shall, in their national regulations and building codes and, where appropriate, in their support schemes or by other means achieving equivalent effect, require the use of minimum levels of energy from renewable sources produced in or near buildings and energy from renewable sources supplied from the grid in new buildings and existing buildings which undergo major renovation or replacement of the heating system, in accordance with Directive 2010/31/EU and where it is economically, technically and operationally feasible. Member States shall allow these minimum levels to be met, inter alia, by efficient district heating and cooling. In the case of existing buildings, the requirements of the first subparagraph shall apply to the armed forces only insofar as their application does not conflict with the nature and main purpose of the activities of the armed forces and in such a way that the said requirements do not apply to material used exclusively for military purposes.

2.1.4 Provisions of the Construction Act concerning the energy efficiency of buildings

Section 11 of the Construction Act provides for a nearly zero-energy building. According to this section, a nearly zero-energy building means a building with a very high energy efficiency

as defined in Annex I to Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings, as amended by Directive (EU) 2018/844 of the European Parliament and of the Council amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency. The nearly zero or very low amount of energy required shall be largely covered by energy from renewable sources, including energy from renewable sources produced on-site or near the building.’ According to section 37 of the Construction Act, a new building using energy to maintain appropriate indoor climate conditions in the premises shall be designed and constructed as a nearly zero energy building.

Section 14 of the Construction Act lays down the minimum share of energy from renewable sources. The provision implements article 15(4) of the RED II Directive, which preceded the RED III Directive. It required Member States to introduce appropriate measures in their building regulations and regulations to introduce appropriate measures to increase the share of all types of renewable energy in the building sector. Member States shall, in their building regulations and codes or by other means with equivalent effect, require a minimum level of energy from renewable sources in new buildings and buildings undergoing major renovation to the extent that this is technically, functionally and economically feasible.

According to subsection 1 of this section, a developer must ensure that at least 38 % of the calculated purchasing energy used in the energy calculation of a new building or a building undergoing major renovation is energy from renewable sources if it is technically, functionally and economically feasible. Compliance with the requirement for energy from renewable sources shall be demonstrated by a calculation.

Subsection 2 of the same section defines ‘major renovation’. It refers to a renovation where the total cost of reconstruction costs related to the building envelope or technical building systems exceeds 25 per cent of the value of the building, excluding the value of the building land. Subsection 3 defines what is meant by renewable energy. According to this, renewable energy refers to renewable energy within the meaning of section 3(4) of the Act on Authorisation Procedures for Renewable Energy Plants and Certain Other Administrative Procedures (1145/2020). According to this section of the Act, renewable energy refers to wind and solar energy, geothermal energy, ambient energy, tidal and wave energy and other ocean energy, hydropower and biomass, as well as gas and biogas generated in landfills and sewage treatment plants that does not originate from fossil sources. Furthermore, according to the same subsection, the share of renewable energy in a form of energy is determined on the basis of the average national share of renewable energy for each form of energy.

Section 37 of the Construction Act is a key provision defining the energy efficiency requirements of buildings. It lays down an essential technical requirement for the energy performance of a building. The content of the provision is as follows:

‘Any person embarking on a construction project shall ensure that the building is designed and constructed in such a way that energy and natural resources are consumed sparingly as is necessary for its intended purpose. Compliance with the minimum energy performance requirements shall be demonstrated by calculations. In determining energy efficiency, the various amounts of energy shall be converted into an aggregated form by means of coefficients of energy. The coefficient for each form of energy shall be determined by estimating the consumption of unprocessed natural energy, the promotion of renewable energy and the heating mode in terms of the overall efficiency of energy production.

The construction products and building services systems used in a building, as well as their control and measurement systems, must be such that, when the building and its systems are used for their intended purpose, energy consumption and power demand remain low and energy consumption can be monitored.

A new building using energy to maintain appropriate indoor climate conditions in the premises shall be designed and constructed as a nearly zero-energy building. Where technically, functionally and economically feasible, energy efficiency shall be improved in the event of renovation and conversion of a building subject to a construction permit or a change in the use of a building. However, the above requirements shall not apply to:

- 1) a building with a gross floor area of less than 50 square metres;
- 2) a residential building for holiday accommodation intended for use for less than four months per year;
- 3) a temporary building with a maximum period of use of two years;
- 4) an industrial or workshop building;
- 5) a non-residential farm building with low energy demand or used in a sector covered by a national sectoral energy performance contract;
- 6) a building used for worship and religious activities;
- 7) a building protected by virtue of a conservation order issued in a plan under the Act on the Protection of the Built Heritage (498/2010) or by virtue of a World Heritage List under the Convention for the Protection of the World Cultural and Natural Heritage (Treaty Series of the Statute Book of Finland 19/1987) as part of a designated environment or because of its special architectural or historical merit, in so far as its nature or appearance would change in an unacceptable manner as a result of compliance with minimum energy efficiency requirements.

More detailed provisions on the numerical values of the coefficients of energy may be laid down by Government decree.

Further provisions may be laid down by decree of the Ministry of the Environment for the construction of a new building, the renovation and alteration of the building and the change of use of the building concerning:

- 1) minimum requirements for the energy performance of buildings, building elements and technical systems and their calculation in the building;
- 2) energy census input data and studies;
- 3) the measurement of energy consumption and its determinants;

- 4) setting energy performance standards based on the intended use of the building and taking into account the conservation of natural resources;
- 5) building products;
- 6) technically, economically and functionally feasible energy efficiency improvements in the event of repair, modification or change of use.'

On the basis of that provision, regulations of the Government and the Ministry of the Environment specifying the requirements for the energy performance of buildings have been issued. These include, in particular, the Government Decree on the numerical values of coefficients for the energy forms used in buildings (788/2017), the Decree of the Ministry of the Environment on the energy efficiency of a new building (1010/2017), the Decree of the Ministry of the Environment on improving the energy efficiency of a building in renovations and alterations (4/13) and the Decree of the Ministry of the Environment amending the Decree of the Ministry of the Environment on improving the energy efficiency of a building in renovations and alterations (2/17).

In practice, the energy performance requirements for new and renovated buildings are laid down in the regulations. These are technical requirements adopted on the basis of specific enabling provisions laid down by law. The requirements of the new Energy Performance of Buildings Directive, for example the cost-optimal level of a zero-emission building, would also be laid down in Ministry of the Environment decrees. Preparation of the decrees is underway at the Ministry of the Environment, and much of the impacts of these proposals will be specified as the drafting of the decrees progresses.

2.1.5 Definitions of floor area, useful floor area and net heated area

According to Section 9(1) of the Construction Act, the floor area of a plot or building site consists of the total floor area of the buildings permitted to be built on it. Pursuant to subsection 2 of the same section, the floor area of the building shall be calculated on the basis of the external surface of the external walls and the area of the basement or attic in which, because of the location, connections, size, light and other characteristics of these premises, the premises corresponding to the main purpose of the building are or may be located. If the outer wall has a thickness of more than 250 mm or the partition delimiting the apartment is more than 200 mm, the floor area of the building may exceed the floor area otherwise permitted to be constructed. The gross floor area allowed for the construction of a building may also exceed the approximate area required for constructing a civil defence shelter and a shaft or duct for building services systems or a technical space opening into public spaces.

According to the EPBD, useful floor area is the floor area of a building needed as a parameter for the quantification of specific operating conditions, expressed per unit of floor area, and for the application of simplifications and rules on stratification and allocation or reallocation. The concept of useful floor space is used in article 5 and 9 of the Directive, which lay down minimum requirements for energy efficiency. For example, under article 5, Member States may choose not to set minimum energy performance requirements for building categories with a total useful floor area of less than 50. The term useful floor area is also used in article 7 of the Directive, which provides that Member States must ensure that the life cycle global warming potential of the atmosphere is calculated in accordance with Annex III to the Directive and indicated in the Energy Performance Certificate of a building from 1 January 2028 for all new buildings with a useful floor area of more than 1 000 m².

The heated net area is defined in § 2(11) of the Decree of the Ministry of the Environment on the energy efficiency of new buildings (1010/2017). According to the heated net area is the total area of the heated floor plates, including the internal surfaces of the outer walls surrounding the floor plates. The net heated area relates to the energy performance of the building and the calculation of the energy certificate. The heated net area includes the area of the heated layers calculated according to the inner surface of the external wall. The net heated area according to the energy certificate includes minor gaps, shafts and flues between layers and technical spaces. From the heated net floor area, the upper parts of double-height spaces ('missing intermediate floors') and other similar significant openings are subtracted. In other words, the net heated area of the building includes warm and semi-warm spaces with heating equipment. Since the garage is not taken into account in the calculation of the energy certificate, it is also not included in the net heated area. The useful floor area is considered to be equivalent to the net built area as defined in the Regulation.

According to section 37(2) of the Construction Act, on energy efficiency, a new building that uses energy to maintain appropriate indoor climate conditions in the premises must be designed and constructed as a nearly zero-energy building. Where technically, functionally and economically feasible, energy efficiency shall be improved in the event of renovation and conversion of a building subject to a construction permit or a change in the use of a building. However, the above requirements shall not apply to a building with a gross floor area of less than 50 square metres. Therefore, the definition in national legislation for the gross floor area does not fully correspond to the definitions in the Energy Performance of Buildings Directive.

2.2 Construction Products Regulation

In 2013, the EU Construction Products Regulation (305/2011) entered into force, replacing the former Construction Products Directive, which, in the Commission's view, had not worked sufficiently effectively. For example, Finland had not prescribed the CE marking as mandatory for construction products in its own national legislation. Approximately 80 per cent of construction products on the market are currently covered by the CE marking. The CE marking does not yet directly mean that the construction product is suitable for use in the intended works. The serviceability was determined by the performance declaration (DoP, Declaration of Performance) of the product. Insofar as there has been no harmonised product standard or European Technical Assessment for the product, or the CE marking has not been required for the construction product for some other reason, national product approval legislation has been applied. The relevant Act in force in Finland entered into force simultaneously with the EU Construction Products Regulation on 1 July 2013. This EU Construction Products Regulation, which entered into force in 2013, has now been replaced by Regulation (EU) 2024/3110 of the European Parliament and of the Council laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011.

The new Construction Products Regulation, which came into force in January 2025, harmonises EU legislation on the marketing of construction products, facilitates their free movement in the internal market, reduces the administrative burden and promotes the circular economy and technological development in the construction sector. The CE marking of construction products remains mandatory. The Commission may adopt, by means of delegated acts, product-specific requirements. The harmonised area shall cover those construction products to which harmonised product standards or European Assessment Documents apply. Member States may continue to regulate at national level those products which do not belong to the harmonised area. The CPR facilitates the possibility for Member States to take their

regulatory needs into account in future harmonised product standards. The expert group dealing with the provisions of the Construction Products Regulation consists of experts appointed by the Member States and representatives of European standardisation organisations and European stakeholder organisations. Member States shall notify the product requirements they consider necessary so that the Commission can take them into account when drawing up new standards. In future, products bearing the CE marking in accordance with the new standards will have to indicate, among other things, the carbon footprint of the construction product.

The Construction Products Regulation gives rise to new obligations for manufacturers. The manufacturer shall make the digital product passport available through the digital product passport system. In order to ensure the availability of spare parts that are not generally available on the market, the Commission may adopt delegated acts supplementing the Construction Products Regulation. The obligation shall apply 10 years after the product has been placed on the market, unless a different period is specified in the delegated act. Manufacturers shall provide spare parts within a reasonable time at a reasonable price. The definition of construction product will also change. Under the new regulation, this includes, among other things, 3D-printed products. The Commission may adopt delegated acts specifying the minimum mandatory environmental sustainability requirements for construction products to be applied in public procurement. The Regulation also imposes a requirement for Member States to lay down penalties for non-compliance with the Construction Products Regulation.

3 Objectives

The aim of the proposal is to implement the requirements of the Energy Performance of Buildings Directive and the RED III Directive at national level. The aim is thus to promote the energy efficiency of buildings and increase the use of energy from renewable sources in buildings. In accordance with the Government Programme, the aim is to ensure that the implementation of the Energy Performance of Buildings Directive does not impose unreasonable obligations on residents and property owners.

In connection with infringements of the Construction Products Regulation, the aim of the proposed penalties is to ensure a high level of compliance with the Construction Products Regulation. The Construction Products Regulation harmonises EU legislation on the marketing of construction products, facilitates their free movement in the internal market, reduces the administrative burden and promotes the circular economy and technological development in the construction sector. The aim is also to clarify regulation on the market surveillance of construction products as a result of the amendment to the Construction Products Regulation.

4 The proposals and their impacts

4.1 Main proposals

The proposal proposes to amend the Construction Act to implement the Energy Performance of Buildings Directive and the RED III Directive. The Construction Act would define an emission-free building. In future, the new building could be a nearly zero-energy building or a zero-emission building in accordance with the Construction Act. According to the Energy Performance of Buildings Directive, all public buildings should be zero-emission buildings by 1 January 2028 and other buildings by 1 January 2030. Before the entry into force of the

obligations, zero-emission buildings could be built on a voluntary basis. In addition, it is proposed that a new concept of useful floor area be added to the Construction Act, that the definition of a nearly zero-energy building be clarified, and that section 37 concerning essential technical requirements for energy efficiency be amended. Section 14 of the Construction Act would also be amended to include the amount of a minimum share of energy from renewable sources in new buildings and buildings undergoing major renovation, which, if technically, functionally and economically feasible, would in future be 52 per cent of the calculated amount of purchased energy used for energy accounting instead of 38 per cent.

The proposal would also lay down national penalties required by the Construction Products Regulation and clarify the rules on market surveillance of construction products. According to the regulation, the imposition of penalties is left to the discretion of the Member States. The aim is also to clarify the regulation of market surveillance of construction products following the amendment of the Construction Products Regulation, including the use of consistent terminology between the Regulation and national legislation to facilitate consistent and clear application. In addition, the proposal would provide for the national penalties required by the Energy Performance of Buildings Directive.

The proposal suggests making technical amendments to the Construction Act. It is proposed to correct the wording of one sentence from the provision on building permit. It is proposed that the transitional provision concerning qualifications for design tasks be amended so that civil engineers, those with an engineering degree suitable for other tasks, and persons who have been able to work as designers on the basis of the transitional provision concerning qualification requirements in the Act amending the Land Use and Construction Act (41/2024) would also be eligible to perform exceptionally demanding design tasks. In addition, section 28 of the Construction Act would be clarified in such a way that the Construction Act should be complied with in situations where the building ordinances drawn up before the entry into force of the Act are in conflict with the Act.

The proposal also suggests adding to the Construction Act certain provisions that currently appear in the Land Use and Building Decree (895/1999) concerning responsibilities and procedural matters in construction. During the preparation of the new Building Decree, these provisions were identified as requiring elevation to the level of an Act. At the same time, the necessary legal technical corrections would be made to the regulations.

4.2 Principal impacts

4.2.1 Energy Performance of Buildings Directive and RED III Directive

The proposed amendments to the Construction Act to implement the Energy Performance of Buildings Directive and the RED III Directive concern those who undertake either a new construction project or repair a building they own.

At this stage, the definition of a zero-emission building applies to those who decide to embark on a construction project and decide to build a new building as a zero-emission building. Alternatively, those undertaking construction projects can build the building as a nearly zero-energy building, as is currently the case. The cost-optimal levels of a zero-emission building will be set by the Decree of the Ministry of the Environment in preparation. The proposed amendments to the Construction Act will therefore not have any direct economic impact on, for example, those undertaking construction projects, but rather the economic impact will depend largely on the regulations issued under the regulatory powers. The financial

implications of the draft decrees will be investigated in connection with the preparation of the Government decrees, and they will be specified as the preparation progresses. In general, it can be concluded that the differences between a zero-emission building and a nearly zero-energy building are not large and do not entail significant costs for the party undertaking a construction project.

The use of the definition of useful floor area instead of floor space in Section 37(2)(1) on energy efficiency mitigates, to some extent, the applicability of energy performance requirements to small buildings. In some cases, however, it may also mean that buildings that were previously outside the scope of energy efficiency requirements will now be subject to energy efficiency improvement requirements. The effects depend greatly on the type of building and how the floor area of the building is calculated. However, the change is not so significant that it is expected to have an impact on the energy efficiency of buildings in Finland. However, if a change in the calculation method results in a building falling within the scope of energy efficiency requirements, these requirements would only have to be implemented in accordance with the law in cases where it is technically, functionally and economically feasible to do so. Consequently, the impact is considered to be minor.

The amendment to section 14 of the Construction Act resulting from the RED III Directive raises the requirement for the use of renewable energy in buildings from 38 per cent to 52 per cent. This is not expected to have a significant impact on the use of renewable energy in buildings, as most new and extensively renovated buildings already meet this requirement. The proposed 52 per cent is based on national statistics and the level at which electricity, district heating and district cooling are included in statistical analysis. According to statistics for 2023, the share of renewable energy in electricity was 52 per cent, and the share of renewable energy in district heating was 58 per cent in 2023, calculated in accordance with the RED III Directive. The renewable share of district cooling was 96 %. Furthermore, according to the law, this requirement only applies if it is technically, functionally and economically feasible. Therefore, the impact of the change on those undertaking building projects and on the amount of renewable energy used in buildings is considered to be negligible.

Economic feasibility is laid down in Decree 2/17 of the Ministry of the Environment ‘Decree of the Ministry of the Environment amending the Decree of the Ministry of the Environment on improving the energy efficiency of buildings in conjunction with repair and modification works’. Section 1a thereof provides for: ‘A technically implemented energy efficiency improvement solution for renovation or conversion works is a solution that is designed and implemented in such a way that the characteristics in accordance with Sections 117a to 117 g of the Land Use and Construction Act or in accordance with the requirements laid down therein do not deteriorate compared to the design solution. A functionally feasible solution is one that does not result in the intended use of the building being prevented. An economically feasible solution is a solution that can, based on a review, be implemented cost-efficiently. For the purpose of the economic analysis, the reference period must be 30 years for residential buildings and 20 years for other buildings, unless the normal life cycle of the building part or system or part thereof is shorter than the above period.’ The reference periods of 20 years and 30 years are defined in Commission Delegated Act (EU) No 244/2012.

Therefore, if the lifespan of a building is shorter than 30 years, the effects of the reduction in operating costs compared to this shorter lifespan are calculated. If the building has a remaining target technical service life of, say, 10 years, the owners are unlikely to carry out major repairs, but will only repair what is absolutely necessary. In the case of maintenance

repairs, it is generally not possible or appropriate to make significant energy efficiency improvements.

4.2.2 Construction Products Regulation

It is estimated that regulating the penalties for violating the Construction Products Regulation will, to some extent, prevent violations of the Construction Products Regulation. Since the purpose of the Regulation is to improve the free movement of construction products and to promote the circular economy and technological development, the regulation of infringements can contribute to these objectives. The clarifications to the provisions concerning market surveillance of construction products can be considered to promote a more uniform and clearer implementation of the Construction Products Regulation at national level, even though the effects cannot be considered significant.

Half of the earth's raw materials are used in construction and 40 per cent of final energy consumption occurs during the service life of buildings. The share of carbon used in construction products throughout their life cycle accounts for 10–20 per cent of the carbon used in buildings throughout their life cycle in the EU. Proper implementation of the Construction Products Regulation offers great opportunities to improve resource efficiency and material recycling in production, as well as the use and end-of-life treatment of construction materials and products, and will facilitate the transition to a climate-neutral and more efficient recycling economy in line with the Paris Agreement in the procurement and manufacture of construction products and their sustainable use in construction projects. The low-carbon construction proposals aim at significant climate-friendly environmental impacts. These effects are caused by lower climate impacts of regulated buildings than in the absence of regulation. Effective enforcement of the Construction Products Regulation will remove barriers to the market within the EU, thereby facilitating the reuse of construction products and contributing to the circular economy in construction.

Designing and building buildings for a long service life would reduce the need for demolition of buildings and new construction, which would have a negative impact on greenhouse gas emissions. With regard to repair construction, a significant emission reduction potential is included in how renovations and changes of use can continue the life cycle of existing buildings. Listing and up-to-date maintenance of materials and products used in construction in the building's material description would contribute to the proper maintenance of the building and thereby extend the service life of the building. Penalty regulations are considered to have an impact on the effective enforcement of the Construction Products Regulation, thereby also contributing to the objectives discussed above and thus having an impact on the environment.

4.2.3 Construction Act

The transfer of the provisions contained in the Land Use and Building Decree (895/1999) to the Construction Act has not been considered to have an impact on the procedural and liability issues related to construction. The provisions are technical in nature and, as they correspond in substance to previous provisions of the Land Use and Building Decree, the introduction of the provisions into the Construction Act does not have an impact on the current legal situation.

5 Other options for implementation

5.1 Foreign legislation in the regulation of the penalty provision in the EU Construction Products Regulation

The various EU Member States are currently considering different penalty provisions applicable to their legal systems in order to implement the Construction Products Regulation. The penalty provision is a new regulation and failure to comply with the provisions of the Construction Products Regulation has not previously been criminalised. According to the current state of knowledge, Cyprus is planning to impose a fine of €20,000 for non-compliance with the Construction Products Regulation.

6 Feedback

The draft Government proposal was submitted for consultation between 28 February 2025 and 25 April 2025. The consultation round was carried out in the online consultation service lausuntopalvelu.fi. 318 statements were issued on the draft proposal. Statements were received from municipalities, public authorities, ministries, key actors in the field, among others.

The opinions can be found in the Government's project window under the identifier YM002:00/2025. For data protection reasons, statements from private individuals can only be found in the project window if the person has requested this in writing in connection with their statement or in the accompanying message. Only the statements delivered on the consultation service lausuntopalvelu.fi can be found in the consultation service.

The respondents considered the proposed amendments to be largely acceptable and believed that promoting the energy efficiency of buildings is a worthy cause. Representatives of building owners and residents stated that the directive should be implemented nationally in such a way that the requirements would incur as little cost as possible.

Several commentators stated that the proposal does not include, for example, estimates of the financial impacts of the proposals on construction and housing costs, and that it is difficult to assess the impacts without proposals for decrees of the Government and the Ministry of the Environment related to the implementation of the Energy Efficiency Directive. Indeed, several commentators pointed out that the decrees specify the legal provisions in question and that substantively significant provisions are at the level of the decrees. In addition, the commentators pointed to a number of actions related to improving the energy performance of buildings, which are not directly linked to the implementation of the Energy Performance of Buildings Directive and to the proposed provisions in the technical amendments to the proposal. The explanatory memorandum and the provision-specific rationale of the bill were also called for clarification, in particular, of what is meant by the optimisation of solar energy in the building. The definition of the new useful floor area was considered justified and in line with the Directive.

According to the opinion of the Deputy-Ombudsman of Parliament, the draft bill should specify the extent to which the draft law is concerned with provisions that the directive explicitly requires without national leeway and the extent to which the use of national leeway is concerned.

The removal of permit requirements for repairs affecting the energy efficiency of construction projects was opposed (for example by Rakli, the Finnish Real Estate Federation, the

Confederation of Finnish Industries EK, and the Construction Industry RT) and supported (by the City of Turku, the Finnish Property Managers' Association, WWF, and the Finnish Association for Nature Conservation). On the other hand, it was seen that when the permit threshold in the Construction Act was lowered, it would be positive from the point of view of improving the energy efficiency of buildings that the improvement of energy efficiency should be examined and possibly implemented also in construction projects that do not require a construction permit. However, it was also considered that abandoning the permit requirement threshold would increase the regulation and administrative burden of small construction projects, as all projects would have to assess energy efficiency improvements and possibly implement energy efficiency improvements.

The Finnish Safety and Chemicals Agency made several comments on the proposed penalty provisions supplementing the EU Construction Products Regulation. The Deputy Parliamentary Ombudsman and the Ministry of Justice considered the penalty provision related to the Construction Products Regulation to be contrary to the so-called blank amendment prohibition, and suggested that the explanatory memorandum should be supplemented with a review of the basis on which the proposed new criminalisation is deemed to satisfy the principles of criminalisation. However, the Ministry of Justice considered that the proposed new criminalisation would comply with the principles of criminalisation.

According to several respondents, the qualification requirements for designers specified in the Construction Act should be clarified. For HVAC engineers, it was considered that they should be able to perform exceptionally demanding design tasks. Several commentators considered that the years when the designer had to graduate should be excluded from the qualification provision.

The proposed technical amendments to the Construction Act were considered acceptable. The Confederation of Finnish Construction Industries RT and the Finnish Association of Building Owners and Construction Clients (RAKLI) proposed amending Section 28 of the current Construction Act, even though this amendment does not fall within the scope of the proposed changes to the Construction Act. The amendment concerns unclear regulation concerning the renewal of the construction order.

Based on the feedback received, the removal of the licence requirement was abandoned in the further preparation, the qualification requirements were specified, and the penalty provisions were clarified.

Article 37(2) of the Construction Act was clarified to the effect that a new building should in future be designed in such a way as to allow for the cost-effective retrofitting of an optimal number of solar installations without significant additional structural measures. Previously, it was proposed to lay down a maximum amount in the section. The introductory clause of subsection 3 was amended to reintroduce the term 'subject to a construction permit', and a clarification was added to subsection 3(2) stating that the requirements do not apply to a residential building intended for holiday accommodation.

The proposed section 11a of the Construction Act was clarified so that it refers directly to Article 11 of the Directive on the energy performance of buildings, in addition to Annex I.

More detailed references to penal provisions were added to the proposal's penalty section. A new paragraph 13 was added to section 152 of the Construction Act, concerning failure to comply with the obligation laid down in section 37 of the Construction Act. The previously

proposed paragraph 12 was specified so that it now refers directly to Articles 18 and 19 of the Construction Products Regulation.

In addition, an amendment to section 28 of the Construction Act, which was not previously included in the proposal, was included in order to clarify the regulation on the renewal of the building ordinance. In addition, the impact assessment of the proposal was clarified.

7 Provision-specific explanatory notes

Section 2 Definitions. A new definition of useful floor area would be added to the section. The definition would relate to the implementation of the Energy Performance of Buildings Directive in national legislation and the clarification of national definitions.

The concept of useful floor space would be used in section 37 of the Construction Act in the future.

Section 3. Functions of the Ministry of the Environment. The section would be updated with a reference to the Regulation of the European Parliament and of the Council on the harmonisation of rules on the marketing of construction products and repealing Regulation (EU) No 305/2011, hereinafter referred to as the Construction Products Regulation () and CPR. The EU Construction Products Regulation (CPR) entered into force on 7 January 2025. It shall apply for the first time on 8 January 2026. No other amendments would be made to this section.

Section 11. Nearly zero-energy building. The reference to Directive 2010/31/EU in this section would be updated as a reference to the new Energy Performance of Buildings Directive (EU) 2024/1275. The section would be supplemented with the requirement set out in article 2(3) of the Directive that the energy performance of a building may not be lower than the cost-optimal level for 2023 notified by Member States in accordance with article 6(2) of the Directive, as well as a stricter requirement that the almost non-existent or very small amount of energy must be covered to a very large extent by energy from renewable sources.

In accordance with article 6(2) of the Directive, Member States must calculate the cost-optimal levels of minimum energy-efficiency requirements using the comparative methodology framework established under paragraph 1 and the relevant parameters, such as climatic conditions and the actual availability of energy infrastructure, and compare the results of that calculation with the existing minimum energy-efficiency requirements. When calculating the cost-optimal levels of minimum energy performance requirements, Member States may take into account the life-cycle GWP. Member States shall report to the Commission all input data and assumptions used in the calculations of cost-optimal levels of minimum energy performance requirements and the results of these calculations. The Decree of the Ministry of the Environment on the energy efficiency of new buildings (SK:1010/2017) determines the cost optimal level for a nearly zero-energy building.

Section 11a. Zero-emission building. A definition of zero-emission building would be added to the Act. The requirement for new buildings to be zero-emission buildings would be in the proposed section 37. The definition would correspond to the definition in Article 2(2) of the Energy Performance of Buildings Directive, according to which a zero-emission building means a building with a very high energy performance as determined in Annex I to Directive (EU) 2024/1275 of the European Parliament and of the Council on the energy performance of buildings, whose energy demand is zero or very low, which does not cause on-site carbon

dioxide emissions from fossil fuels, and which generates zero or very low operational greenhouse gas emissions in accordance with article 11, and which must be able, where economically and technically feasible, to react to external signals and to adjust its own energy use, production and storage.

The section would refer to article 11 of the Energy Performance of Buildings Directive, and the requirement in article 11(1) that zero-emission buildings must not cause carbon dioxide emissions from fossil fuels on site would be incorporated directly into the Act. A zero-emission building should be able, when the economic and technical realisation possibilities so permit, to react to external signals and to adapt its own energy use, production and storage.

Section 14. *Minimum share of energy from renewable sources.* The section would be updated to state that in the future, the minimum share of energy from renewable sources should be 52 per cent instead of 38 per cent. No other changes to the section would be made.

Section 28. *Renewal of a building ordinance.* A technical clarification would be added to the section stating that building regulations in force prior to the entry into force of the Construction Act cannot be applied if they conflict with this Act. The clarification would not change the content of the section, but would aim to prevent misunderstandings that may arise in relation to building ordinances drawn up before the entry into force of the Construction Act as well as possible conflicts. As stipulated in the current law, if building regulations contain provisions that conflict with this law, the law shall always prevail in cases of conflict.

Section 37. *Energy efficiency.* A requirement to take energy use emissions into account in energy efficiency calculations would be added to section 1 of the Act. The addition would enable emissions to be taken into account in the regulations issued pursuant to the section as required by the Directive on the Energy Performance of Buildings.

Paragraph 2 of the section would stipulate that, before all new buildings are required to be zero-emission buildings, new buildings should be nearly zero-energy buildings or zero-emission buildings. According to the Energy Performance of Buildings Directive, new buildings must be zero-emission from 1 January 2030 and publicly owned buildings from 1 January 2028. This applies to new buildings for which a building permit application is submitted on or after 1 January 2028 (publicly owned) and 1 January 2030 (other new buildings). The definition of a zero-emission building would be laid down in the new section 11a above.

According to article 2(5) of the Energy Performance of Buildings Directive, public bodies are public bodies as defined in article 2(12) of Directive (EU) 2023/1791. According to that paragraph, ‘public bodies’ means national, regional or local authorities and entities financed and managed directly by those authorities, but not having an industrial or commercial character.

In addition, a requirement would be added to the section stipulating that new buildings must be designed in such a way that it is possible to retrofit them with the optimal amount of solar energy equipment in a cost-effective manner without significant additional structural work, and that the design must take into account the solar radiation at the building's location. This would involve the implementation of article 10 of the Energy Performance of Buildings Directive. According to article 10(1) of the Energy Performance of Buildings Directive, ‘Solar energy in buildings’, Member States must ensure that all new buildings are designed in such a way that their potential for solar energy production is optimised in accordance with the solar

radiation at their location, enabling the cost-effective installation of solar technologies at a later stage.

The provision would concern advance planning that would allow for the subsequent installation of solar energy. The design should take into account, among other things, cable and pipe routes and space reservations, for example, for the main electrical centre, the mounting of solar energy equipment and the possible increase in load caused by it, as well as the possible accumulation of snow in winter conditions. Planning should also take into account fire and maintenance safety. Typical solar energy equipment includes solar panels for generating electricity and solar collectors for generating heat.

The floor area of subsection 3, paragraph 1, would be converted into useful floor area. The floor area of the building is computationally larger than the net heated area of the building, i.e. the useful area according to the new definition. As a result, the regulation would be eased when the energy efficiency improvement requirement would apply to larger buildings. According to article 2(1) of the Energy Performance of Buildings Directive, the term 'building' refers only to buildings in which energy is used to maintain the indoor environment, so the requirement to improve energy efficiency could not apply to buildings that are not heated.

A reference to less than 25 % of the estimated energy consumption in year-round consumption would be added to *subsection 3*, paragraph 2 of the section. In addition, a reference to residential buildings would be added. The regulation would correspond to article 5(3)(d) of the Energy Performance of Buildings Directive. In the future, it would not be relevant whether the building had been constructed in accordance with building regulations equivalent to a holiday home or in accordance with construction regulations meeting the requirements of a permanent residence, or whether the intended use in accordance with the plan would be permanent, or a holiday home. What would be relevant would be the period of the year that the residential building would be used for or the amount of energy that it would consume. Holiday home means secondary residences built under lighter building regulations in accordance with the Decree of the Ministry of the Environment on Housing, Accommodation and Work Spaces (631/2024).

A new paragraph 8 would be added to section 3 , which would correspond to section 5(3a) of the Energy Performance of Buildings Directive. According to section 1, subsection 3 of the Construction Act, the Construction Act does not apply to construction or construction works included in the real estate assets of the Finnish Defence Forces or otherwise intended for use by the State and which are directly related to defence purposes. Although these sites are already excluded from the scope of the Act, for the sake of clarity, it would be laid down in accordance with the Directive that the energy performance of a building need not be improved and a building does not have to be built as a nearly zero-energy building if it is a building used for national defence purposes.

Section 42. *Building permit.* Section 42(3) of the Construction Act provides for a permit requirement for the renovation and alteration of a building. According to the second sentence of the subsection, when repairing a building site, a building permit is required if the repair is directed, to more than a minor extent, at removing a health hazard identified in the area of intervention, if the load-bearing structure in the area of intervention has been damaged, if the repair measures may endanger the healthiness or safety of the building site, or if the repair has a significant impact on the urban landscape, scenery, or cultural heritage During the parliamentary consideration of the Government Bill on the Construction Act (HE 139/2022

vp), the Environment Committee amended the provision to the form ‘– healthiness or safety’. However, following the so-called ‘repair series’ of the Construction Act, i.e. amendments made to the Construction Act by the Government of Prime Minister Petteri Orpo (HE 101/2024 vp), the wording was changed back to ‘— health *and* safety’. The wording of the provision appears to have been changed unintentionally.

If exceeding the building permit threshold would require that a single construction measure jeopardise both the health and safety of the building site, all construction measures that only affect one of these would be exempt from the permit requirement. This means that repairs and alterations that are closely related to fire and escape safety, for example, are completely excluded from regulatory control. The authorisation threshold should be corrected to the level referred to by the Parliament. No further changes to the provision would be made.

Section 48a. *The distance of the building.* The section would regulate the distance between a building and land owned or controlled by another party and any buildings located on that land. The provision would correspond to section 57 of the Land Use and Building Decree (895/1999).

Subsection 1 would provide for consideration of the location of the construction project and the suitability of the construction site in relation to adequate safety distances to prevent the risk of major accidents caused by dangerous substances. The provision is based on article 13 of the Seveso III Directive (2012/18/EU).

Paragraph 2 of the section would stipulate that a fire-hazardous building may not be located closer than 15 metres to land owned or controlled by another party, or closer than 20 metres to a building located on land owned or controlled by another party. This provision is relevant to fire safety, in particular as the permit threshold has increased.

According to subsection 3 of the section, a building outside a town plan area should not be built within five metres of land owned or controlled by another person, or within ten metres of a building located on land owned or controlled by another person, without the consent of the person concerned, unless there is a special reason for doing so. For the time being, the Construction Act does not contain any provision on the location of the building outside the area covered by the city plan. However, a similar provision is already included in section 120 of the Construction Act (370/1958), which aims to prevent buildings from being located in such a way that they would, for example, cause unnecessary inconvenience to neighbouring plots or hinder suitable construction on them. Due to the well-established legal situation, it may be considered appropriate to include the provision in the Construction Act. A special reason refers, for example, to the preservation of a compact village environment that is valuable in terms of its cultural environment and architectural heritage. However, there has been no specific reason to deviate from the building regulations concerning fire safety and housing design, and there will continue to be no reason to do so, as the neighbour's consent is irrelevant in this regard.

Section 48b. *The exterior roof and height of the building.* The section would provide for the maximum slope of the roof of the building and the determination of the height of the building, and would be in line with section 58 of the Land Use and Building Decree. According to the commentary, the provision has a significant link with the interpretation of the frost and the height of the building. The legal position under this provision has been established over the course of time. The lack of regulations concerning the exterior roof and height of buildings would therefore be likely to cause ambiguities in interpretation and make it difficult to

interpret plans drawn up under previous regulations. The lack of regulation in this area could also potentially lead to a need for more detailed zoning.

Paragraph 1 would stipulate that the external roof of a building may rise at an angle of no more than 45 degrees from the upper edge of the façade surface. An exception could be made to the maximum gradient laid down in the provision if it is justified by reasons relating to the townscape or the external appearance of the building. In addition to the Land Use and Building Decree, a corresponding provision on the maximum inclination of the roof angle of 45 degrees has already been included in the Construction Decree of 1959 (266/1959).

Subsection 2 would provide for the determination of the height of the building. According to this provision, the height of the building would be defined as the height of the intersection line between the facade surface and the roof. The method of determining the height of a building in accordance with subsection 2 is well established and has been used in this form since the 1959 Building Regulations (266/1959).

Section 48c. *Minor exceedances.* The section would provide for a permissible, minor, exceeding of the limit of the plot of land or the town plan regulation. The section would correspond to section 59 of the Land Use and Building Decree. A similar provision has already been included in the Construction Act (370/1958). The aim of the provision is to make construction more flexible.

Subsection 1 would provide for the permissible exceeding of the building or roof height laid down in the local detailed plan in the case of a structure serving the purpose of the building, a minor end or a tower. Subsection 2 would provide for the permissible crossing of the land boundary into street or other public areas in the case of staircases, balconies, bays, eaves or similar extensions of a building or parts of an outer wall resulting from additional insulation. Subsection 3 would provide that building elements extending beyond the boundary of a plot of land should not hinder the use of the public area for its actual purpose.

Section 48d. *A postponement of the building permit processing in order to assess the currentness of the plan.* The section would provide for the obligation of the municipality to notify the municipal authority responsible for assessing the currentness of the building plan of the commencement of the application for a building permit if it is evident that the assessment of the currentness of the local detailed plan referred to in section 60, subsection 2 of the Land Use and Construction Act (132/1999) must be carried out before the building permit is granted. This provision would be in line with section 68 of the Land Use and Construction Regulation. Provisions on the assessment of the timeliness of a town plan are laid down in section 60(2) of the Land Use Act (132/1999). According to this section, a building permit may not be granted for the construction of a new building that is of significant importance in terms of land use or the appearance of the environment until the municipality has assessed the validity of the local detailed plan in an area where the plan has been in force for more than 13 years and a significant part of it remains unimplemented. The function of section 48d, which corresponds to Section 68 of the Land Use and Construction Decree, to be added to the Construction Act, would be to act as a procedural provision clarifying the operating methods regarding the duties of the municipality at the interface between zoning and construction.

Subsection 1 of the section would stipulate, in addition to the municipality's obligation to notify, that the processing of a building permit must be postponed until the validity of the local detailed plan has been assessed or it has been determined that no assessment is necessary.

Subsection 2 would provide that, after receiving the notification referred to in subsection 1, the municipality should, without undue delay, assess the up-to-date nature of the local detailed plan and inform the building control authority of the outcome of the assessment.

Section 48e. *Construction of the fence.* The section would provide for the right of the property owner to build a fence at the border of the plot. In addition, the section would include a provision on the right of the building control authority to determine the obligation to build a fence, its quality and location, and the distribution of costs among neighbours. The section would correspond to section 82 of the Land Use and Building Decree. The provision would be transferred to the level of law, as the legal situation in this matter is well established, and the lack of regulation concerning the construction of fences could therefore cause uncertainty in relation to the prevailing legal situation.

Section 48f. *Address marking.* The section would provide for a building address marking. The owner of the building should place a number or letter indicating the building and stairwell in a location visible from the street, other traffic routes and the internal traffic area of the plot, in accordance with the municipality's decision on the matter. In addition, the address marking should also guide emergency and maintenance vehicles and other traffic to the property. The section would correspond to section 84 of the Land Use and Building Decree. This provision is particularly relevant from the point of view of rescue vehicles.

Section 56a. *Notification of demolition plans.* The section would provide for the obligation of the municipal building supervisory authority to notify, within 14 days of receiving a declaration of demolition or an application for a building permit leading to demolition, if the demolition of the building or part of the building in question may result in the deterioration of a building of historical or architectural value or of an urban image or built environment. This provision would be in line with section 67 of the Land Use and Construction Regulation. The purpose of this section is to guarantee the possibility for the authorities to negotiate on the protection of the building, and the provision is essential, in particular with regard to the information of the Licensing and Supervision Authority.

Section 57a. *Application for derogation permit.* The section would lay down the annexes required for an application for a derogation permit as referred to in section 57 of the Act. This provision would be in line with section 85 of the Land Use and Construction Regulation. So far, the Construction Act does not contain any regulation on the content of an application for a derogation. In order to ensure that all necessary information is included in the application for a derogation, the relevant regulations should be incorporated into the Construction Act.

Subsection 1 of the section would contain a list of the attachments required for an application for an exemption. According to the section, the application should include an environmental map showing the location of the area and a site plan showing both existing and planned buildings or construction measures at the construction site (paragraph 1), a document showing control of the building site or other grounds for applying for an exemption (paragraph 2), and a report on the consultation, if the applicant has carried it out in the manner prescribed in the new section 64(3) of the Construction Act (paragraph 3).

Subsection 2 would provide that the application should include an assessment of the main impacts of the deviation project and the reasons for the application.

Section 58a. *Consultation on the Draft Decision on Territorial Deviation.* The section would provide for consultation of neighbours and other interested parties in response to an

application for derogation. This would be a procedural provision for consultation on regional derogation, which is currently not included in the Construction Act. The provision would be broadly in line with section 87 of the Land Use and Construction Regulation. An amendment would be made to the section so that public announcements would comply with the provisions of section 62 a of the Administrative Procedure Act (434/2003) concerning public announcements.

Section 61a. *Application for the construction of a mast or wind turbine.* This section would provide for annexes to an application for a construction permit where the application relates to an authorisation for the construction of a mast or wind turbine. This provision would be in line with section 64 of the Land Use and Construction Regulation. This would be a more specific provision concerning the annexes to the application for a construction permit for the construction of a mast or wind turbine and their content. The provision would be necessary in order for the licensing authorities to have at their disposal all the necessary information with regard to applications for a permit for the construction of a mast or wind turbine.

Subsection 1 would stipulate that if a building permit is sought for the construction of a mast, the permit application must be accompanied by a report on the impact of the project on the landscape and neighbours (point 1), a report on other masts planned in the applicant's immediate vicinity (point 2), and a report on whether there are any free antenna locations available on masts already belonging to the public telecommunications network that would serve the purpose of the mast (point 3).

The second subsection would stipulate that what is provided in points 1 and 2 of the first subsection shall, where applicable, also apply to a permit application for the construction of a wind turbine.

Section 152. *Penal provisions.* A new point 12 would be added to the section, making it a punishable offence to fail to comply with the labelling requirements laid down in articles 18 and 19 of the EU Construction Products Regulation (EU) 2024/3110. According to article 92 of the Construction Products Regulation, Member States must lay down the penalties applicable to infringements of the provisions of the Regulation and must take all necessary measures to ensure their enforcement. The penalties provided for must be effective, proportionate, and dissuasive. A fine for a construction offence can be considered the most appropriate sanction under Finnish law. The section proposes that the area of criminal liability includes negligent acts. In this way, the construction infringement would concern not only intent but also gross negligence. In such a case, it would be a serious disregard or neglect of an obligation laid down by law. Serious negligence could arise, for example, in the event of delay in the fulfilment of an obligation relating to the safety and health of the building. Construction Activities have a high level of social significance. Therefore, construction operators are subject to expectations relating in particular to their duty of care in complying with the provisions of the Construction Act. The quality of construction is of great importance to the health and safety of people and from an economic point of view to the business world. The possibility of punishment for reprehensible behaviour is likely to steer the construction industry in the desired direction. The offence would still be classified as a misdemeanour, as the penalty would be a fine rather than imprisonment. Confiscation could also be an option. Provisions on the forfeiture to the State of the economic benefit of crime are laid down in chapter 10 of the Criminal Code of Finland. The prosecutor has not generally sought forfeiture penalties for building violations, unlike in cases of environmental damage, for example, where forfeiture penalties have been imposed. In accordance with the subsidiarity clause, a fine would be possible in situations where the act would not exceed the threshold of criminal

liability for environmental degradation, aggravated environmental degradation, environmental infringement or negligent environmental crime referred to in Chapter 48, Sections 1 to 4, of the Criminal Code, or for building protection offences referred to in section 6.

A new point 13 would also be added to the section, stipulating that failure to comply with the obligations laid down in section 37 of this Act is punishable. The obligations would refer to improving the energy efficiency of a building in connection with repair and alteration work requiring a permit or work related to the intended use of the building, as well as the obligation to construct a new building as a nearly zero-energy building or an emission-free building. The provision would implement the entry under article 34 of the Directive on the energy performance of buildings, according to which Member States shall lay down penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate and dissuasive. A fine for a construction offence can be considered the most appropriate sanction under Finnish law.

Section 154 *Market surveillance authority for construction products.* The reference in subsection 2 to articles 56 to 59 of the EU Construction Products Regulation (EU) No 305/2011 would be amended to refer to the new Construction Products Regulation, i.e. Regulation (EU) 2024/3110 of the European Parliament and of the Council laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011. No other amendments would be made to this section.

Section 161. *Use of an external expert.* This section would provide for the right of the Finnish Safety and Chemicals Agency to use external experts when carrying out market surveillance tasks for construction products. Subsection 1 would provide for the right to use external experts in the examination, testing and evaluation of the conformity of a product. According to the previous wording, provision was not made for conformity, but for the examination, testing and evaluation of the product's performance or the characteristics stated in the certificate. The reason for the amendment is the changed terminology of the EU Construction Products Regulation. No other amendments would be made to this section.

Section 174. *Obligation to reimburse investigation costs.* The manufacturer of the construction product or their authorised representative, importer, distribution service provider or distributor would be obliged to reimburse the State for the costs of the investigation if the investigation showed that the construction product is non-compliant. Its collection is regulated by the Act on the Enforcement of Taxes and Payments (section 3).

Some construction products fall within the scope of the Construction Products Regulation and others do not. A construction product would be non-compliant if it did not meet the essential technical requirements laid down in or pursuant to the Construction Act. Non-conformity could also be due to the fact that the construction product does not meet the requirements of the EU Construction Products Regulation. Consequently, a construction product could be non-compliant, for example, if the threshold value specified in the standard is not met.

If the non-compliance is significant, the market surveillance authority may oblige the economic operator to reimburse the costs incurred in the procurement, testing and investigation of the product. The reason for the amendment is the changed terminology of the EU Construction Products Regulation. No other changes to the section would be made.

Section 195 *Transitional provision on qualifications.* In connection with the parliamentary debate on Prime Minister Petteri Orpo's government's proposed amendments to the Construction Act (HE 101/2024), the transitional provision concerning qualifications was amended. The provision was amended so that those who had completed a degree in architectural design before 1997 and a degree in construction management before 1998 were also allowed to work in exceptionally demanding design and supervision tasks. Since the entry into force of the Act, there has been a need, in the name of equity, to enable building engineers, graduates of other suitable engineering degrees and persons who have been able to work as planners on the basis of the transitional provision on eligibility requirements in the Act amending the Land Use and Construction Act (41/2024) to perform exceptionally demanding tasks. In addition, it has been considered that it is not necessary to lay down detailed provisions on the date of completion.

A reference would be added to subsection 2 of the section stating that a degree in an engineering field relevant to the task (e.g. HVAC engineering) could be considered sufficient for exceptionally demanding design tasks. The reference to the date of completion would be removed as unnecessary both for planning tasks and for managerial tasks. The eligibility requirements for the position of foreman would be clarified so that a person with a relevant engineering degree could also serve as a foreman.

Regulation at the level of secondary legislation

The technical regulations concerning the determination of energy efficiency are issued by decrees of the Ministry of the Environment and the Government. Thus, for example, the energy efficiency requirements for a zero-emission building are laid down by decree of the Ministry of the Environment. The regulations are currently being prepared and are expected to be issued in spring 2026.

8 Entry into force

The act is intended to come into force as soon as possible.

9 Implementation and monitoring

The Ministry of the Environment will monitor the impact of the proposed legislative amendments on the energy performance of buildings in particular. The Ministry of the Environment will immediately take the necessary steps to clarify the provisions proposed in this proposal if a need is identified.

10 Relationship to the Constitution and legislative process

10.1 Directive on the energy performance of buildings

Under section 20(1) of the Constitution, nature and its biodiversity, the environment and cultural heritage are the responsibility of everyone. This responsibility for the environment applies to both public authorities and private natural persons and legal entities. The responsibility referred to in the provision applies to both living nature and the non-living natural environment, such as the atmosphere. In accordance with subsection 2 of the section, public authorities must seek to safeguard everyone's right to a healthy environment and the opportunity to influence decision-making concerning their living environment. It has been

argued that the requirement of a healthy environment should be understood broadly, *inter alia*, as meaning that a human habitat must not pose, directly or indirectly, a risk of human illness.

According to section 15, subsection 1 of the Constitution, everyone's property is protected. On the basis of that general clause on the right to property, various restrictions on the owner's rights of use and the owner's right to dispose of his property are assessed.

The transition to a zero-emission building in 2028 (public buildings) and 2030 (other buildings) in new construction means that, in order to obtain a construction permit, a person undertaking a construction project must ensure that even stricter energy efficiency requirements are met in the construction project. This has an impact on the costs of construction, on the one hand, due to the good energy efficiency of the building, the energy costs measured over the life cycle of the building remain low. The proposal on the protection of property does not imply any restriction that would affect, for example, the owner's freedom to use their property. In several decisions, the Constitutional Law Committee has dealt with restrictions on the use of assets based on environmental protection reasons (e.g. PeVL 25/2014 vp, PeVL 10/2014 vp, PeVL 36/2013 vp, PeVL 20/2010 vp). The proposal is not expected to be problematic with regard to the protection of property.

Restrictions on fundamental rights must be based on a law adopted by Parliament. Furthermore, according to section 80 of the Constitution, the law shall lay down the grounds for the rights and obligations of individuals and matters that, according to the Constitution, fall within the scope of the law. Regulations may, however, be issued on the basis of a power provided for in the Constitution or in another law. The enabling act must meet the requirements of precision and clarity.

As with other regulations in construction, the proposal is based largely on a delegation of legislative powers, and is therefore relevant to the provisions of section 80 of the Constitution on the adoption of decrees and on the delegation of legislative powers.

10.2 Construction Products Regulation

Section 8 of the Constitution stipulates the principle of legality in criminal matters. According to the provision, no one may be considered guilty of a crime or sentenced for an act that was not defined as punishable by law at the time the act was committed. No one may be sentenced to a harsher punishment than what was provided by law at the time of the act.

Open and '*blanco*' penal provisions are rejected and offences should be regulated in such a way that they are identifiable.

The Proposal proposes to penalise non-compliance with articles 18 and 19 of the Construction Products Regulation as a construction offence. The penalty provisions would meet the requirements of the principle of legality by specifying which actions contrary to the EU Regulation would be punishable. The principle of legality can be considered to be satisfied by the fact that the proposed additions would identify acts and omissions under threat of punishment.

Provisions on penalties would be based on the requirement of article 92 of the Construction Products Regulation to provide for penalties.

The Government considers it desirable for the Constitutional Committee to issue an opinion on the matter.

Resolution

Based on the foregoing, the following bill is submitted to Parliament for approval:

Act

amending the Construction Act

In accordance with the decision of Parliament
section 2(7), section 3(2), section 11, section 14(1), section 28, section 37, section 42(3) introductory part, section 152(11), section 154(2), section 161(1), section 174 and section 195(2) of the Construction Act (751/2023), as set out in section 42(3) introductory part and section 195(2) of Act 897/2024, are *amended*;
a new point 8, a new section 11a, sections 48a to f, section 56a, section 57a, section 58a, section 61a and a new points 12 and 13 in section 152 are *added* as follows:

Section 2

Definitions

For the purposes of this Act:

-
- 7) *external audit* means an independent and qualified expert's audit of whether the planned solution or construction meets the requirements laid down for it;
8) the sum of the floor areas heated *on the useful floor area* calculated on the basis of the inner surfaces of the exterior walls surrounding the floors (net heated area A net (m²)).

Section 3

Functions of the Ministry of the Environment

The Ministry of the Environment is also subject to the operational obligations of a Member State laid down in Regulation (EU) 2024/3110 of the European Parliament and of the Council laying down harmonised rules on the marketing of *construction products and repealing Regulation (EU) No 305/2011 ('the Construction Products Regulation')*. The Ministry of the Environment coordinates the technical requirements for construction laid down by the authorities.

Section 11

Nearly zero-energy building

'Nearly zero-energy building' means a building with a very high energy performance, as defined in accordance with Annex I to Directive (EU) 2024/1275 of the European Parliament and of the Council on the energy performance of buildings. The energy performance of a nearly zero-energy building shall meet at least the cost-optimal level of 2023. The almost non-existent or very low amount of energy required shall be largely covered by energy from renewable sources, including energy from renewable sources produced on site or near a building.

Section 11a

Zero-emission building

Zero-emission building means a building with a very high energy performance, as determined in accordance with Annex I to Directive (EU) 2024/1275 of the European Parliament and of the Council on the energy performance of buildings, with a zero or very low energy demand, with no on-site CO₂ emissions from fossil fuels, with zero or very low on-site operational greenhouse gas emissions, and with zero or very low operational greenhouse gas emissions in accordance with article 11 of that Directive, and which, where economically and technically feasible, shall be able to respond to external signals and adapt its own energy use, production and storage.

Section 14

Minimum share of energy from renewable sources

The developer of a construction project shall ensure that, if technically, functionally and economically feasible, at least 52 per cent of the calculated purchasing energy used for energy accounting purposes in a new building or in a building undergoing major renovation shall be renewable energy. Compliance with the requirement for energy from renewable sources shall be demonstrated by a calculation.

Section 28

Renewal of a building ordinance

Instead of section 17, the building ordinances in force at the time of the entry into force of this Act shall be governed by the provisions that were in force at the time of the entry into force of this Act, insofar as they are not in conflict with this Act, until the building ordinance has been amended to comply with this Act and the amendment has entered into force, but for no longer than two years from the entry into force of this Act.

Section 37

Energy efficiency

Those entering into a construction project must ensure that the building is designed and constructed in such a way as to ensure that energy and natural resources are used sparingly. Compliance with the minimum energy performance requirements shall be demonstrated by calculations. In determining energy efficiency, the various amounts of energy shall be converted into an aggregated form by means of coefficients of energy. The coefficient for each form of energy shall be determined by estimating the consumption of unprocessed natural energy, the promotion of renewable energy and the heating mode in terms of the overall efficiency of energy production. The construction products and building services systems used in a building, as well as their control and measurement systems, must be such that, when the building and its systems are used for their intended purpose, energy consumption and power demand remain low and energy consumption can be monitored. Emissions from energy use shall be taken into account in the calculation of energy efficiency.

A new building using energy to maintain appropriate indoor climate conditions in the premises shall be designed and constructed as a nearly zero-energy building. The new building shall be a zero-emission building from 1 January 2030. From 1 January 2028, a new

building owned by public bodies shall be a zero-emission building. The new building must be designed in such a way that it is possible to retrofit it with the optimal amount of solar energy equipment in a cost-effective manner without significant additional structural work. The design shall take into account the solar radiation of the location of the building.

Where technically, functionally and economically feasible, energy efficiency shall be improved in the event of renovation and conversion of a building subject to a construction permit or a change in the use of a building. However, the above requirements shall not apply to:

- 1) a building with a gross floor area of less than 50 square metres;
- 2) a residential building or holiday residential building intended for use for less than four months per year and with an estimated energy consumption of less than 25 per cent of year-round consumption;
- 3) a temporary building with a maximum period of use of two years;
- 4) an industrial or repair building;
- 5) a non-residential farm building with low energy demand or used in a sector covered by a national sectoral energy performance contract;
- 6) a building used for devotion and religious activities;
- 7) a building protected by virtue of a conservation order issued in a plan under the Act on the Protection of the Built Heritage (498/2010) or by virtue of a World Heritage List under the Convention for the Protection of the World Cultural and Natural Heritage (Treaty Series of the Statute Book of Finland 19/1987) as part of a designated environment or because of its special architectural or historical merit, in so far as its nature or appearance would change in an unacceptable manner as a result of compliance with minimum energy efficiency requirements.
- 8) buildings owned by the armed forces or central government and used for national defence, except for individual residential premises or office buildings used by personnel of the armed forces and other national defence authorities.

More detailed provisions on the numerical values of the coefficients of energy may be laid down by Government decree.

Further provisions may be laid down by decree of the Ministry of the Environment for the construction of a new building, the renovation and alteration of the building and the change of use of the building concerning:

- 1) minimum requirements for the energy performance of buildings, building elements and technical systems and their calculation in the building;
- 2) energy census input data and studies;
- 3) the measurement of energy consumption and its determinants;
- 4) setting energy performance standards based on the intended use of the building and taking into account the conservation of natural resources;
- 5) building products;
- 6) technically, economically and functionally feasible energy efficiency improvements in the event of repair, modification or change of use.

Section 42

Construction permit

A building permit is also required for renovations and alterations comparable to the construction of the building, as well as for the extension of the building or the addition of space to be included in the building's floor space. In the case of a construction works, a construction permit is required if the repair is carried out to a lesser extent to the removal of the health damage observed in the area of intervention, the load-bearing structure of the area

has been damaged, or the repairs may endanger the health or safety of the construction works, or if the repair has a significant impact on the urban landscape, the landscape or cultural heritage. A building permit is also required for the renovation of the essential characteristics of the construction works. A building permit is always required if:

Section 48a

Distance from the building

When considering the location of the construction project and the suitability of the construction site, the person undertaking the construction project shall ensure the distances of protection against the major-accident hazard caused by hazardous substances.

A fire-hazardous building may not be located within 15 metres of land owned or controlled by another person, or within 20 metres of a building on land owned or controlled by another person.

Outside the town plan area, a building may not be constructed closer than five metres to land owned or controlled by another party, or closer than ten metres to a building located on land owned or controlled by another party, without the consent of the party concerned, unless there are special reasons for doing so.

Section 48b

The exterior roof and height of the building

The outer roof of the building may be raised towards the street and the yard at an angle of gradient of not more than 45° from the upper edge of the façade. An exception may be made where this is justified by reason of the townscape or the external appearance of the building.

The height of the building is the height of the intersection line between the facade surface and the roof.

Section 48c

Minor exceedances

The building or roof height provided for in the local detailed plan may exceed the structures serving the intended use of the building which is permitted to be constructed, as well as small ends and towers if they adapt to the building and the environmental image and do not cause significant inconvenience to the neighbours.

Unless otherwise specified in the town plan, the staircases, balconies, bays, eaves and similar extensions of a building, as well as the part of the outer wall resulting from additional insulation, may, to a limited extent, extend beyond the boundary of the plot to the street area or other public area, as laid down in the municipal building order.

Building elements extending beyond the boundary of a plot shall not interfere with the use of the public area for its actual purpose.

Section 48d

Postponement of the construction permit procedure for assessing the currentness of the plan

The municipal building control authority shall notify the municipal authority responsible for assessing the timeliness of a town plan of the initiation of a construction licence application if it is evident that the assessment of the timeliness of the town plan referred to in section 60(2) of the Land Use Act must be carried out before the construction licence is granted. In such a case, the processing of the construction permit must be postponed until the currentness of the local detailed plan has been assessed or it has been concluded that there is no need for an assessment.

Upon receiving the notification referred to in subsection 1, the municipality shall, without undue delay, assess the validity of the local detailed plan and notify the building control authority of the outcome of the assessment.

Section 48e

Fence construction

The owner of the property shall have the right to build a fence at the border of the plot, unless otherwise provided in the local detailed plan or the building ordinance or decided otherwise by the municipal building control authority for a special reason. If necessary, the building control authority shall determine the obligation to erect a fence, the quality and location of the fence, and the distribution of costs among neighbours.

Section 48f

Address marking

The owner of the building shall place the number or letter identifying the building and the stairwell in a visible place on the street so that it can be seen from other traffic routes and from the traffic area inside the plot, as decided by the municipality. The address marking must guide emergency and service driving and other traffic to the property.

Section 56 a

Notification of demolition plans

If the demolition of a building or part of a building may result in the deterioration of a building of historical or architectural value, or of the cityscape or built environment, the municipal building control authority shall, within 14 days of receiving the notice of demolition or the application for a construction permit leading to demolition, inform the municipal government and the permit and control authority thereof.

Section 57 a

Application for a derogation permit

An application for a derogation permit referred to in section 57 of this Act shall be accompanied by:

- 1) an environmental map showing the location of the area and a site plan showing both existing and planned buildings or construction measures at the construction site;
- 2) a document proving the management of the construction site or another reason to apply for an exemption; and
- 3) a report on the hearing, if the applicant has completed it in the manner prescribed in section 64(3).

The application must include an assessment of the key impacts of the project for which the derogation is sought, as well as the grounds for the application.

Section 58 a

Consultation on the Draft Decision on Territorial Deviation

The municipality must inform neighbours and others whose living, working or other conditions may be significantly affected by the project of the proposed decision on regional exemptions by means of a public announcement. The public notice is regulated in section 62a of the Administrative Procedure Act

The municipality shall give the persons referred to in subsection 1 a period of at least 14 days to submit a written reminder of the draft decision on the regional derogation.

Section 61 a

Application for the construction of a mast or wind turbine

If a construction permit is applied for for the construction of a mast, the permit application shall be accompanied by:

- 1) an analysis of the impact of the project on the landscape and neighbours;
- 2) a description of the applicant's nearest planned other masts; and
- 3) a report on whether there are any free antenna locations available on masts already belonging to the public telecommunications network that would serve the purpose of the mast.

The provisions of subsection 1(1) and (2) shall apply mutatis mutandis to an application for authorisation for the construction of a wind farm.

Section 152

Penal provisions

A person who intentionally or through gross negligence

11) fails to comply with the obligation laid down in section 145 to bring the construction site and its surroundings to such a condition that it does not endanger health or safety, nor has a negative aesthetic impact on its surroundings.

12) fails to comply with the obligation to affix the CE marking and other markings and the statement of performance laid down in articles 18 and 19 of Regulation (EU) 2024/3110 of the European Parliament and of the Council laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011;

13) fails to comply with its obligation under section 37 to improve the energy efficiency of a building in connection with repair and alteration work requiring a permit or work related to the intended use of the building, or to construct a new building as a nearly zero-energy building or a zero-emission building

shall be sentenced to a fine for a *building offence*, unless the offence is a degradation of the environment, aggravated degradation of the environment, environmental violation or negligent degradation of the environment as laid down in chapter 48, sections 1 to 4 of the Criminal Code or a building protection offence within the meaning of section 6 of the same chapter.

Section 154

Market surveillance authority for construction products

In cases where there is a justified reason to suspect that a construction product poses a risk human health, safety, the environment, or property, or where the product is not in compliance with its CE marking, type approval, verification certificate, manufacturing quality control, another voluntary certificate or a certificate based on mutual recognition, the activities of the Finnish Safety and Chemicals agency as the market surveillance authority are governed by article 11, article 25(5), article 26 (3) and (4), and articles 27 and 28 of Regulation (EU) 2019/1020 of the European Parliament and of the Council on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011. The measures to be taken by the market surveillance authority in situations where a CE-marked construction product does not meet the declared performance levels or presents a risk are laid down in Regulation (EU) No 2024/3110 of the European Parliament and of the Council on the harmonisation of rules relating to the marketing of construction products and repealing Regulation (EU) No 305/2011.

Section 161

Use of an external expert

The Safety and Chemicals Agency has the right to use external experts to investigate, test and evaluate product performance levels or properties reported in the certificate.

Section 174

Obligation to reimburse investigation costs

The manufacturer of a construction product, or a representative authorised by them, the importer, the provider of a distribution service, or the distributor shall be obliged to reimburse the State for the costs incurred for the assessment if the assessment shows that the construction product does not comply with the requirements. A construction product is non-compliant if it does not meet the essential technical requirements laid down in or pursuant to this Act or if it does not comply with the requirements of the Construction Products Regulation.

If the construction product is non-compliant and the non-compliance is significant, the market surveillance authority may oblige the economic operator to reimburse the costs incurred for the purchase, testing and examination of the product. The compensation shall be directly distrainable. The provisions of the Act on the Recovery of Taxes and Fees by Recovery Proceedings (706/2007) shall apply to its enforcement.

Section 195

Transitional provision on qualifications

A person who has completed a degree in architectural engineering or an engineering degree suitable for the task at a technical college, has at least six years' experience in demanding design tasks, and has demonstrated their competence with a certificate in accordance with Section 83, is considered to meet the eligibility requirements for exceptionally demanding design tasks. and who has demonstrated their competence with a certificate in accordance with section 83. The eligibility requirements for exceptionally demanding supervisory duties are considered to be met by a person who has completed a degree in construction management

(technician) at a technical college or an engineering degree suitable for the position in question, who has at least four years of experience in supervisory duties in demanding projects, and who has demonstrated their competence with a certificate in accordance with section 87.

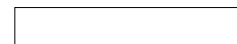
This Act enters into force on [day] [month] 20[year].

Helsinki xx xx 20xx

Prime Minister

First name Last name

Minister Etunimi Sukunimi



Act

amending the Construction Act

In accordance with the decision of Parliament, section 2(7), section 3(2), section 1, section 14(1), section 28 37, section 42(3) introductory sentence, section 152(11), section 154(2), section 161(1), section 174 and section 195(2) of the Construction Act (751/2023), as amended by section 42(3) introductory sentence and section 195(2) of Act 897/2024, are amended;

a new paragraph 8 is added to section 2, new section 11a, 48a to f, 56a, 57a, 58a, 61a and new points 12 and 13 are added to section 152 as follows:

Existing Act

Proposal

Section 2

Section 2

Definitions

Definitions

For the purposes of this Act:

For the purposes of this Act:

7) *external audit* means an independent and qualified expert's audit of whether the planned solution or construction meets the requirements laid down for it;

7) *external audit* means an independent and qualified expert's audit of whether the planned solution or construction meets the requirements laid down for it;

8) *the sum of the floor areas heated on the useful floor area calculated on the basis of the inner surfaces of the exterior walls surrounding the floors (net heated area A net (m²)).*

Section 3

Section 3

Functions of the Ministry of the Environment

Functions of the Ministry of the Environment

— — — — — The Ministry of the Environment is also subject to the operational obligations imposed on the Member States by Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of *construction products and repealing Council Directive 89/106/EEC* ('the *Construction Products Regulation*'). The Ministry of the Environment coordinates the technical requirements for construction laid down by

— — — — — The Ministry of the Environment is also subject to the operational obligations of a Member State laid down in Regulation (EU) 2024/3110 of the European Parliament and of the Council laying down harmonised rules on the marketing of *construction products and repealing Regulation (EU) No 305/2011* ('the *Construction Products Regulation*'). The Ministry of the Environment coordinates the technical requirements for construction laid

Existing Act

the authorities.

Proposal

down by the authorities.

Section 11

Nearly zero-energy building

A nearly zero-energy building means a building with a very high energy performance, as defined in Annex I to Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings, as amended by Directive (EU) 2018/844 of the European Parliament and of the Council amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency. The required almost non-existent or very low amount of energy required shall be largely covered by energy from renewable sources, including energy from renewable sources produced on site or near a building.

Section 11

Nearly zero-energy building

‘Nearly zero-energy building’ means a building with a very high energy performance, as defined in accordance with Annex I to Directive (EU) 2024/1275 of the European Parliament and of the Council on the energy performance of buildings. *The energy performance of a nearly zero-energy building shall meet at least the cost-optimal level of 2023.* The almost non-existent or very low amount of energy required shall be largely covered by energy from renewable sources, including energy from renewable sources produced on site or near a building.

Section 11 a

Zero-emission building

Zero-emission building means a building with a very high energy performance, as determined in accordance with Annex I to Directive (EU) 2024/1275 of the European Parliament and of the Council on the energy performance of buildings, with a zero or very low energy demand, with no on-site CO₂ emissions from fossil fuels, with zero or very low on-site operational greenhouse gas emissions, and with zero or very low operational greenhouse gas emissions in accordance with article 11 of that Directive, and which, where economically and technically feasible, shall be able to respond to external signals and adapt its own energy use, production and storage.

Section 14

Minimum share of energy from renewable

Section 14

Minimum share of energy from renewable

Existing Act

Proposal

sources

sources

The developer of a construction project shall ensure that, if technically, functionally and economically feasible, at least 38 per cent of the calculated purchasing energy used for energy accounting purposes in a new building or in a building undergoing major renovation shall be renewable energy. Compliance with the requirement for energy from renewable sources shall be demonstrated by a calculation.

The developer of a construction project shall ensure that, where technically, functionally and economically feasible, at least 52 % of the calculated purchasing energy used in the energy calculation of a new building or a building undergoing major renovation is energy from renewable sources. Compliance with the requirement for energy from renewable sources shall be demonstrated by a calculation.

Section 28

Section 28

Updating the building ordinance

Updating the building ordinance

Building ordinances in place at the time of entry into force of this Act, shall not be subject to section 17, but instead to the provisions in force the time of entry into force of this Act, until the building ordinances are amended to comply with this Act and the amendments have entered into force; however, this applies only up to two years after the entry into force of this Act.

Instead of section 17, the building regulations in force at the time this Act enters into force shall apply, insofar as they are not contrary to this Act, until the building regulations have been amended in accordance with this Act and the amendment has entered into force, but for no longer than two years from the entry into force of this Act.”

Section 37

Energy efficiency

Anyone undertaking a construction project must ensure that the building is designed and constructed in a manner appropriate to its intended use, so that energy and natural resources are used efficiently. Compliance with the minimum energy performance requirements shall be demonstrated by calculations. In determining energy efficiency, the various amounts of energy shall be converted into an aggregated form by means of coefficients of energy. The coefficient for each form of energy shall be determined by estimating the consumption of unprocessed natural energy, the promotion of renewable energy and the heating mode in terms of the overall efficiency of energy production. The construction products and building services systems used in a building,

Anyone undertaking a construction project must ensure that the building is designed and constructed in a manner appropriate to its intended use, so that energy and natural resources are used efficiently. Compliance with the minimum energy performance requirements shall be demonstrated by calculations. In determining energy efficiency, the various amounts of energy shall be converted into an aggregated form by means of coefficients of energy. The coefficient for each form of energy shall be determined by estimating the consumption of unprocessed natural energy, the promotion of renewable energy and the heating mode in terms of the overall efficiency of energy

Existing Act

as well as their control and measurement systems, must be such that, when the building and its systems are used for their intended purpose, energy consumption and power demand remain low and energy consumption can be monitored.

A new building using energy to maintain appropriate indoor climate conditions in the premises shall be designed and constructed as a nearly zero-energy building.

Where technically, functionally and economically feasible, energy efficiency shall be improved in the event of renovation and conversion of a building subject to a construction permit or a change in the use of a building. However, the above requirements shall not apply to:

- 1) a building with a gross floor area of less than 50 square metres;
- 2) a residential building for holiday accommodation intended for use for less than four months per year;
- 3) a temporary building with a maximum period of use of two years;
- 4) an industrial or workshop building;
- 5) a non-residential farm building with low energy demand or used in a sector covered by a national sectoral energy performance contract;
- 6) a building used for worship and religious activities;
- 7) a building protected by virtue of a conservation order issued in a plan under the Act on the Protection of the Built Heritage (498/2010) or by virtue of a World Heritage

Proposal

production. The construction products and building services systems used in a building, as well as their control and measurement systems, must be such that, when the building and its systems are used for their intended purpose, energy consumption and power demand remain low and energy consumption can be monitored. *Emissions from energy use shall be taken into account in the calculation of energy efficiency.*

A new building using energy to maintain appropriate indoor climate conditions in the premises shall be designed and constructed as a nearly zero-energy building. *The new building shall be a zero-emission building from 1 January 2030. From 1 January 2028, a new building owned by public bodies shall be a zero-emission building. The new building must be designed in such a way that it is possible to retrofit it with the optimal amount of solar energy equipment in a cost-effective manner without significant additional structural work. The design shall take into account the solar radiation of the location of the building.*

Where technically, functionally and economically feasible, energy efficiency shall be improved in the event of renovation and conversion of a building subject to a construction permit or a change in the use of a building. However, the above requirements shall not apply to:

- 1) a building with a gross floor area of less than 50 square metres;
- 2) a residential building or holiday residential building intended for use for less than four months per year and with an estimated energy consumption of less than 25 per cent of year-round consumption;
- 3) a temporary building with a maximum period of use of two years;
- 4) an industrial or repair building;
- 5) a non-residential farm building with low energy demand or used in a sector covered by a national sectoral energy performance contract;
- 6) a building used for devotion and religious activities;
- 7) a building protected by virtue of a

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List under the Convention for the Protection of the World Cultural and Natural Heritage (Treaty Series of the Statute Book of Finland 19/1987) as part of a designated environment or because of its special architectural or historical merit, in so far as its nature or appearance would change in an unacceptable manner as a result of compliance with minimum energy efficiency requirements.

More detailed provisions on the numerical values of the coefficients of energy may be laid down by Government decree.

Further provisions may be laid down by decree of the Ministry of the Environment for the construction of a new building, the renovation and alteration of the building and the change of use of the building concerning:

1) minimum requirements for the energy performance of buildings, building elements and technical systems and their calculation in the building;

2) energy census input data and studies;

3) the measurement of energy consumption and its determinants;

4) setting energy performance standards based on the intended use of the building and taking into account the conservation of natural resources;

5) building products;

6) technically, economically and functionally feasible energy efficiency improvements in the event of repair, modification or change of use.

Section 42

Building permit

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conservation order issued in a plan under the Act on the Protection of the Built Heritage (498/2010) or by virtue of a World Heritage List under the Convention for the Protection of the World Cultural and Natural Heritage (Treaty Series of the Statute Book of Finland 19/1987) as part of a designated environment or because of its special architectural or historical merit, in so far as its nature or appearance would change in an unacceptable manner as a result of compliance with minimum energy efficiency requirements.

8) buildings owned by the armed forces or central government and used for national defence, except for individual residential premises or office buildings used by personnel of the armed forces and other national defence authorities.

More detailed provisions on the numerical values of the coefficients of energy may be laid down by Government decree.

Further provisions may be laid down by decree of the Ministry of the Environment for the construction of a new building, the renovation and alteration of the building and the change of use of the building concerning:

1) minimum requirements for the energy performance of buildings, building elements and technical systems and their calculation in the building;

2) energy census input data and studies;

3) the measurement of energy consumption and its determinants;

4) setting energy performance standards based on the intended use of the building and taking into account the conservation of natural resources;

5) building products;

6) technically, economically and functionally feasible energy efficiency improvements in the event of repair, modification or change of use.

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A building permit is also required for renovation and alteration works comparable to construction of a building, as well as for the extension of a building or the addition of space included in floor area. In the case of renovation of a construction works, a building permit is required if the renovation involves, to a non-negligible extent, the removal of a health hazard found in the area of intervention, the load-bearing structure of the area of intervention has been damaged, or the renovation work may endanger the healthiness and safety of the construction works, or if the renovation has a significant impact on the urban landscape, the landscape or cultural heritage. A building permit is also required for the renovation of the essential characteristics of the construction works. A building permit is always required if:

A building permit is also required for renovation and alteration works comparable to construction of a building, as well as for the extension of a building or the addition of space included in floor area. In the case of a construction works, a construction permit is required if the repair is carried out to a lesser extent to the removal of the health damage observed in the area of intervention, the load-bearing structure of the area has been damaged, or the repairs may endanger the health or safety of the construction works, or if the repair has a significant impact on the urban landscape, the landscape or cultural heritage. A building permit is also required for the renovation of the essential characteristics of the construction works. A building permit is always required if:

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Section 48a

Distance from the building

When considering the location of the construction project and the suitability of the construction site, the person undertaking the construction project shall ensure the distances of protection against the major-accident hazard caused by hazardous substances.

A fire-hazardous building may not be located within 15 metres of land owned or controlled by another person, or within 20 metres of a building on land owned or controlled by another person.

Outside the town plan area, a building may not be constructed closer than five metres to land owned or controlled by another party, or closer than ten metres to a building located on land owned or controlled by another party, without the consent of the party concerned, unless there are special reasons for doing so.

Section 48b

The exterior roof and height of the building

The outer roof of the building may be raised towards the street and the yard at an angle of gradient of not more than 45° from the upper edge of the façade. An exception may be made where this is justified by reason of the townscape or the external appearance of the building.

The height of the building is the height of the intersection line between the façade surface and the roof.

Section 48c

Minor exceedances

The building or roof height provided for in the local detailed plan may exceed the structures serving the intended use of the building which is permitted to be constructed, as well as small ends and towers

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if they adapt to the building and the environmental image and do not cause significant inconvenience to the neighbours.

Unless otherwise specified in the town plan, the staircases, balconies, bays, eaves and similar extensions of a building, as well as the part of the outer wall resulting from additional insulation, may, to a limited extent, extend beyond the boundary of the plot to the street area or other public area, as laid down in the municipal building order.

Building elements extending beyond the boundary of a plot shall not interfere with the use of the public area for its actual purpose.

Section 48d

Postponement of building permit processing to assess the timeliness of the formula

The municipal building control authority shall notify the municipal authority responsible for assessing the timeliness of a town plan of the initiation of a construction licence application if it is evident that the assessment of the timeliness of the town plan referred to in section 60(2) of the Land Use Act must be carried out before the construction licence is granted. In such a case, the processing of the construction permit must be postponed until the currentness of the local detailed plan has been assessed or it has been concluded that there is no need for an assessment.

Upon receiving the notification referred to in subsection 1, the municipality shall, without undue delay, assess the validity of the local detailed plan and notify the building control authority of the outcome of the assessment.

Section 48e

Fence construction

The owner of the property shall have the right to build a fence at the border of the plot, unless otherwise provided in the local detailed plan or the building ordinance or decided otherwise by the municipal building

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control authority for a special reason. If necessary, the building control authority shall determine the obligation to erect a fence, the quality and location of the fence, and the distribution of costs among neighbours.

Section 48f

Address marking

The owner of the building shall place the number or letter identifying the building and the stairwell in a visible place on the street so that it can be seen from other traffic routes and from the traffic area inside the plot, as decided by the municipality. The address marking must guide emergency and service driving and other traffic to the property.

Section 56 a

Notification of demolition plans

If the demolition of a building or part of a building may result in the deterioration of a building of historical or architectural value, or of the cityscape or built environment, the municipal building control authority shall, within 14 days of receiving the notice of demolition or the application for a construction permit leading to demolition, inform the municipal government and the permit and control authority thereof.

Section 57 a

Applying for an exemption

An application for a derogation permit referred to in section 57 of this Act shall be accompanied by:

- 1) an environmental map showing the location of the area and a site plan showing both existing and planned buildings or construction measures at the construction site;*
- 2) a document proving the management of*

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the construction site or another reason to apply for an exemption; and

3) a report on the hearing, if the applicant has completed it in the manner prescribed in section 64(3).

The application must include an assessment of the key impacts of the project for which the derogation is sought, as well as the grounds for the application.

Section 58 a

Consultation on the Draft Decision on Territorial Deviation

The municipality must inform neighbours and others whose living, working or other conditions may be significantly affected by the project of the proposed decision on regional exemptions by means of a public announcement. The public notice is regulated in section 62a of the Administrative Procedure Act

The municipality shall give the persons referred to in subsection 1 a period of at least 14 days to submit a written reminder of the draft decision on the regional derogation.

Section 61 a

Application for the construction of a mast or wind turbine

If a construction permit is applied for for the construction of a mast, the permit application shall be accompanied by:

1) an analysis of the impact of the project on the landscape and neighbours;

2) a description of the applicant's nearest planned other masts; and

3) a report on whether there are any free antenna locations available on masts already belonging to the public telecommunications network that would serve the purpose of the mast.

The provisions of subsection 1(1) and (2) shall apply mutatis mutandis to an application for authorisation for the construction of a wind farm.

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Section 152

Section 152

Penal provisions

Penal provisions

A person who intentionally or through gross negligence

A person who intentionally or through gross negligence

11) fails to comply with the obligation laid down in section 145 to bring the construction site and its surroundings to such a condition that it does not endanger health or safety, nor has a negative aesthetic impact on its surroundings

11) fails to comply with the obligation laid down in section 145 to bring the construction site and its surroundings to such a condition that it does not endanger health or safety, nor has a negative aesthetic impact on its surroundings.

12) fails to comply with the obligation to affix the CE marking and other markings and the statement of performance laid down in articles 18 and 19 of Regulation (EU) 2024/3110 of the European Parliament and of the Council laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011;

13) fails to comply with its obligation under section 37 to improve the energy efficiency of a building in connection with repair and alteration work requiring a permit or work related to the intended use of the building, or to construct a new building as a nearly zero-energy building or a zero-emission building

shall be sentenced, unless the offence is punishable as environmental degradation, aggravated damage to the environment, an environmental offence or a negligent environmental offence under chapter 48, sections 1 to 4 of the Criminal Code, or as a building protection offence as referred to in Section 6, to a fine for a building offence.

shall be sentenced to a fine for a building offence, unless the offence is a degradation of the environment, aggravated degradation of the environment, environmental violation or negligent degradation of the environment as laid down in chapter 48, sections 1 to 4 of the Criminal Code or a building protection offence within the meaning of section 6 of the same chapter.

Section 154

Section 154

Market surveillance authority for construction products

Market surveillance authority for construction products

In cases where there is a justified reason to suspect that a construction product poses a risk human health, safety, the environment,

In cases where there is a justified reason to suspect that a construction product poses a risk human health, safety, the environment,

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or property, or where the product is not in compliance with its CE marking, type approval, verification certificate, manufacturing quality control, another voluntary certificate or a certificate based on mutual recognition, the activities of the Finnish Safety and Chemicals agency as the market surveillance authority are governed by Article 11, Article 25(5), Article 26 (3) and (4), and Articles 27 and 28 of Regulation (EU) 2019/1020 of the European Parliament and of the Council on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011. The measures to be taken by the market surveillance authority in situations where a CE marked construction product does not meet the declared performance or presents a risk are laid down in Articles 56 to 59 of the CPR.

Section 161

Use of an external expert

The Finnish Safety and Chemicals Agency has the right to use external experts to investigate, test and evaluate product performance levels or properties reported in the certificate.

Section 174

Obligation to reimburse investigation costs

The manufacturer of the construction product or their authorised representative, importer, distribution service provider or distributor is obliged to reimburse the government for the costs of the any investigations if the investigation shows that the construction product does not meet the declared performance levels or the

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or property, or where the product is not in compliance with its CE marking, type approval, verification certificate, manufacturing quality control, another voluntary certificate or a certificate based on mutual recognition, the activities of the Finnish Safety and Chemicals agency as the market surveillance authority are governed by Article 11, Article 25(5), Article 26 (3) and (4), and Articles 27 and 28 of Regulation (EU) 2019/1020 of the European Parliament and of the Council on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011. The measures to be taken by the market surveillance authority in situations where a CE-marked construction product does not meet the declared performance levels or presents a risk are laid down in Regulation (EU) No 2024/3110 of the European Parliament and of the Council on the harmonisation of rules relating to the marketing of construction products and repealing Regulation (EU) No 305/2011.

Section 161

Use of an external expert

The Safety and Chemicals Agency has the right to use external experts to investigate, test and evaluate product performance levels or properties reported in the certificate.

Section 174

Obligation to reimburse investigation costs

The manufacturer of a construction product, or a representative authorised by them, the importer, the provider of a distribution service, or the distributor shall be obliged to reimburse the State for the costs incurred for the assessment if the assessment shows that the construction product does not comply with the requirements. A

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characteristics indicated in the certificate. The compensation is directly enforceable. The provisions of the Act on the Recovery of Taxes and Fees by Recovery Proceedings shall apply to enforcement.

Section 195

Transitional provision on qualifications

A person shall be considered to meet the qualification requirements for an exceptionally demanding design task if they have, *before 1 January 1997*, completed a degree in architectural engineering at a technical institute, have at least six years of experience in demanding design tasks, and have demonstrated their competence with a certificate in accordance with section 83. A person who has completed a building master's degree (technician) at a technical school *before 1 January 1998* and has at least four years' experience in site management in demanding sites and has demonstrated his or her competence by means of a certificate in accordance with section 87 shall be considered to have met the qualification requirements for an exceptionally demanding site management position.

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construction product is non-compliant if it does not meet the essential technical requirements laid down in or pursuant to this Act or if it does not comply with the requirements of the Construction Products Regulation.

If the construction product is non-compliant and the non-compliance is significant, the market surveillance authority may oblige the economic operator to reimburse the costs incurred for the purchase, testing and examination of the product. The compensation is directly enforceable. The provisions of the Act on the Recovery of Taxes and Fees by Recovery Proceedings (706/2007) shall apply to its enforcement.

Section 195

Transitional provision on qualifications

A person who has completed a degree in architectural engineering or an engineering degree suitable for the task at a technical college, has at least six years' experience in demanding design tasks, and has demonstrated their competence with a certificate in accordance with Section 83, is considered to meet the eligibility requirements for exceptionally demanding design tasks. and who has demonstrated their competence with a certificate in accordance with section 83. The eligibility requirements for exceptionally demanding supervisory duties are considered to be met by a person who has completed a degree in construction management (technician) at a technical college or an engineering degree suitable for the position in question, who has at least four years of experience in supervisory duties in demanding projects, and who has demonstrated their competence with a certificate in accordance with section 87.

This Act enters into force on [day] [month]

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20[year].
